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15 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
16 and OTTOMOTTO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN FRANCISCO DIVISION

20 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

21 Plaintiff,

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF PLAINTIFF
WAYMO LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, MOTION
TO STRIKE TS 96, AND DAUBERT
MOTION (DKT. 1634)**

22 v.

23 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

24 Defendants.

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
 3 declaration based upon matters within my own personal knowledge and if called as a witness, I
 4 could and would competently testify to the matters set forth herein. I make this declaration in
 5 support of Plaintiff's Administrative Motion to File Under Seal Portions of Its Opposition to
 6 defendants' Motion for Summary Judgment, Motion to Strike TS 96, and *Daubert* Motion (Dkt.
 7 1634).

8 2. I have reviewed the following documents and confirmed that only the portions
 9 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Opposition	Red Boxes
Exhibit 3 to Jaffe Declaration	Entire Document
Exhibits 4-6 to Jaffe Declaration	Entire Documents
Exhibits 12-13 to Jaffe Declaration	Entire Documents
Exhibits 14-15 to Jaffe Declaration	Red Boxes

17 3. The red boxes of the Opposition and the entireties of Exhibits 4-6 and 12 contain
 18 highly confidential information regarding the technical features of Uber's LiDAR systems,
 19 including design considerations and technical specifications. Exhibit 13 contains photographs of
 20 components of Uber's LiDAR systems, which reveal technical features and specifications. This
 21 highly confidential information is not publicly known, and its confidentiality is strictly
 22 maintained. I understand that disclosure of this information could allow competitors to obtain a
 23 competitive advantage over Uber through insight into the technical features and design
 24 considerations of Uber's LiDAR, such that they could tailor their own LiDAR development.
 25 Uber's competitive standing could be significantly harmed.

26 4. The entirety of Exhibit 3 is selected excerpts from the expert report of Lambertus
 27 Hesselink containing highly confidential information regarding the technical features and
 28

specifications of Uber's LiDAR systems. This highly confidential information is not publicly known, and its confidentiality is strictly maintained. I understand that disclosure of this information could allow competitors to obtain a competitive advantage over Uber through insight into the technical features of Uber's LiDAR sensors, such that they could tailor their own LiDAR development. Uber's competitive standing could be significantly harmed.

5. The entirety of Exhibits 4, 6, and 13 and the red boxes in Exhibits 14 and 15 contain the phone numbers and email addresses of Uber employees. Defendants request this information be kept sealed to protect the privacy of individuals in this media-intensive case, and prevent them from being exposed to harm or harassment.

6. Certain blue-highlighted portions on pages 1, 2, and 4 of the Opposition contain information contains references to the contents of the Stroz report, which is subject to pending motions for protective order. (*See* Non-Party Anthony Levandowski’s Motion for Protective Order, filed on October 19, 2017, Dkt. No. 1682.) Waymo does not appear to have served non-party Anthony Levandowski with these blue-highlighted portions. Defendants request that the confidentiality of these blue-highlighted portions be maintained until the pending motions for protective order are resolved.

7. Defendants' request to seal is narrowly tailored to the portions of Waymo's Opposition and its supporting papers that merit sealing.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
22nd day of September, 2017 in San Francisco, California.

/s/ Michelle Yang

Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. Gonzalez, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: September 22, 2017

/s/ Arturo J. Gonzalez

ARTURO J. GONZALEZ